



MN State Agencies' Wellness Programs FAQ

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What is a wellness program?

Since we spend a lot of time at work, it is important to work in an environment that supports our health and wellbeing.

A worksite wellness program is an organized approach to making the work environment, policies and programs support employee health. Projects encourage positive lifestyle behaviours such as healthy eating, being physically active, managing stress and quitting tobacco.

Can the state offer wellness programs?

Yes. Since 1989, our labor agreements have provided for the state to develop and implement health promotion and health education programs under their Insurance article and Safety or Health and Safety article.

See examples in [Appendix 1: Minnesota AFSCME's and MAPE's Labor Agreements](#). Similar language appears in other contracts, which you can see in [MMB Labor Contracts and Plans](#) (<http://www.mn.gov/mmb/employee-relations/labor-relations/Labor/>).

Does the state have a wellness program?

Yes. The worksite wellness program for state employees is named Work Well.

The mission of Work Well is to create a workplace culture that supports and encourages the healthy intentions of each employee and visitor, with the outcome of a measurably healthier, more productive workforce.

Work Well's vision is for everything a state employee or visitor sees, feels, hears, tastes and touches to supports their intention to be healthy.

Each state agency makes decisions based on its own policies and priorities. Many agencies support a wellness committee whose representatives meet to plan activities and environmental changes that promote good health. These committees are invited to have representatives on the statewide interagency Agency Wellness Champions team. The Work Well project manager provides technical expertise and consulting in research-driven best practices to agencies and is also responsible for the [Work Well website](http://www.mn.gov/Work-Well) (www.mn.gov/Work-Well).

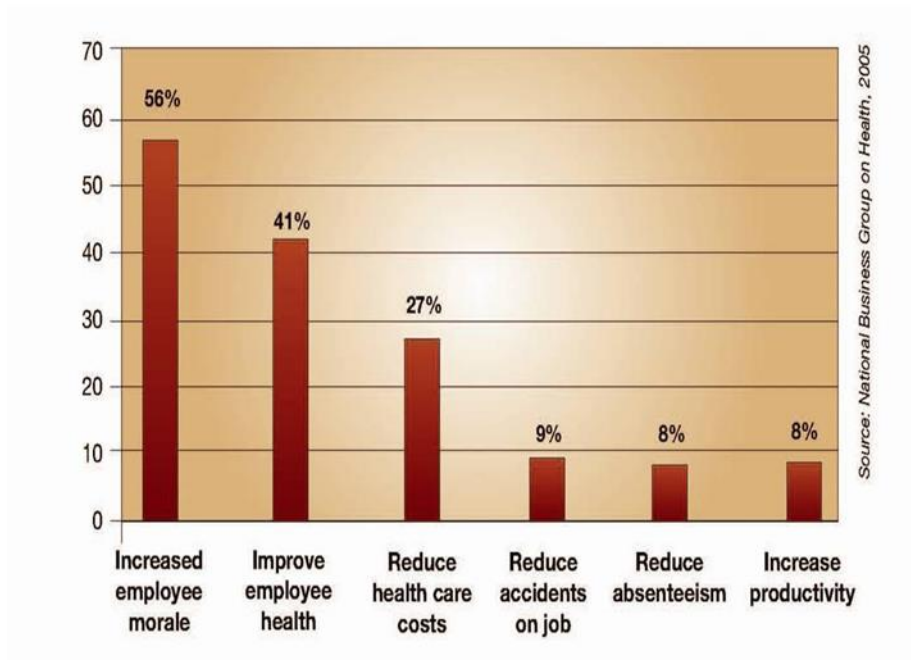
How does a wellness program contribute to the state?

The state of Minnesota cares about worksite wellness because employee health and wellbeing impact morale, safety, productivity, absenteeism, recruitment and retention as well as health care costs.

The state is Minnesota's largest employer. Its leadership in employee productivity and managing healthcare costs influences other employers.

A National Business Group survey of over 500 large employers found the worksite wellness programs increase morale, improve employee health and reduce health care costs, among other positive indicators.

Benefits of Worksite Wellness Programs



What benefits do we have that support employee wellness?

Wellness benefits provided through the State Employee Group Insurance Program (SEGIP), and depending on an employee's appointment status and conditions, include:

- [Health insurance and pharmacy benefits](http://mn.gov/mmb/segip/) (find at <http://mn.gov/mmb/segip/> in the Medical & Dental tab)
- [Dental insurance](http://mn.gov/mmb/segip/) (find at <http://mn.gov/mmb/segip/> in the Medical & Dental tab)
- [Personal Health Assessment](http://www.mn.gov/StayWell) (www.mn.gov/StayWell)
- Office visit copay reduction if Health Assessment is completed during Open Enrollment
- Free phone or online health coaching programs for employees completing a health assessment
- [Employee Assistance Program](http://www.mn.gov/EAP) (www.mn.gov/EAP)
- Free, on-site flu vaccinations
- Reduced copays at convenience clinics
- Technical support for worksite wellness committees within agencies

Other wellness benefits include:

- The availability of ergonomics consultation through each agency's safety committee
- Support for nursing mothers in the workplace. Find more information in [Appendix 5: Support for Nursing Mothers in the Workplace](#)
- Appropriate use of vacation and sick leave as described in [MMB Labor Contracts and Plans](http://www.mn.gov/mmb/employee-relations/labor-relations/Labor/) (<http://www.mn.gov/mmb/employee-relations/labor-relations/Labor/>).

- m. Appropriate use of break time and meal periods as outlined in our labor agreements. Please see examples from Appendix 2: [Minnesota AFSCME's Labor Agreement](#) here. Similar language appears in other contracts, which you can see in [MMB Labor Contracts and Plans](#) (<http://www.mn.gov/mmb/employee-relations/labor-relations/Labor/>).

Can we use state property for wellness activities?

Yes, state law supports the use of state property for fitness/wellness. This same law indemnifies the state from liability. Please see this law in [Appendix 3: 2014 Minnesota Statute 16B.24](#).

What if an employee gets hurt?

- a. To reduce the risk of injury, Work Well provides information to help agencies consider the steps to arranging a safe wellness class. Agencies may use this information as presented, or make changes that align with their policies and guidelines.

See [Steps to Arrange a Fitness/Wellness Class](#) on the [Work Well](#) site (www.mn.gov/Work-Well > Agency Wellness Champions > Program Building Resources > Toolkits)

- b. Should an employee get injured, state law indemnifies the state from liability. See [Appendix 3: 2014 Minnesota Statute 16B.24](#).
- c. State law excludes employees participating in employer-sponsored recreational/health promotion programs from workers' compensation benefits. If a state employee is injured while participating in a class, he/she would need to look to his/her own health insurance. Find more information in [Appendix 4: 2014 Minnesota Statute 176.021](#)
- d. The state carries a general liability insurance policy to protect individual state employees who lead wellness/fitness classes. The policy is procured through the Department of Administration and paid for by SEGIP in MN Management & Budget. It provides \$2,000,000 in coverage and costs about \$2000/year.

Can instructors be paid to lead classes?

Yes and no.

A state employee cannot be paid to lead a class. They are prohibited by law from being independent contractors. A state employee may voluntarily lead a class.

An instructor not employed by the state may be paid for leading a class. The common practice in state agencies to date has been for employees to pay instructors directly. No money passes through the state's hands. See authorization in [Appendix 3: 2014 Minnesota Statute 16B.24](#).

State agencies are required to seek conflict of interest determinations from MMB prior to allowing a friend, family member, or business venture of a state employee to be paid for conducting fitness/wellness classes.

Who pays for a class?

The common practice in state agencies to date has been that employees have made arrangements to pay instructors directly. No money passes through the state's hands. State agencies may allow persons conducting fitness or wellness classes to charge employees a fee to participate.

See [Appendix 3: 2014 Minnesota Statute 16B.24](#).

Can state agencies provide paid time for wellness activities?

Yes. There are wellness activities that could meet the needs of the organization and therefore be considered paid work time. Agencies should consider the business needs of their agency in making this determination.

In most cases, participation is voluntary and the time is unpaid.

What information about employees may we or may we not collect?

The Minnesota Data Practices Act governs all information that an employer collects because a person is employed by the state. Personnel data is presumed private unless otherwise identified as public by [Minnesota Statute 13.43](#) (<https://www.revisor.mn.gov/statutes/?id=13.43>). Private data about employees can only be collected for business reasons and requires a signed release that meets the conditions identified in the statute. Contact your agency data practices authority or human resources director for more information.

Can we offer chair massage in our agency?

Yes. To support stress reduction, many businesses and several of our state agencies provide the opportunity to schedule a short chair massage with a certified massage therapist at the employee's expense and time. Chair massage therapist must follow MN Department of Health guidelines and register with the City of St. Paul if practicing in St. Paul. Chair massages are paid for by the employee to the therapist.

Please see [Steps to Arrange Worksite Chair Massages](#) on the [Work Well](#) site (www.mn.gov/Work-Well > [Agency Wellness Champions > Program Building Resources > Toolkits](#))

Where can I find more about our worksite wellness programs?

Please direct questions to your agency's Human Resources office.

Appendix 1: Minnesota AFSCME's and MAPE's Labor Agreements

[AFSCME's Labor Agreement](http://www.mn.gov/mmb/images/AFSCME.pdf) (<http://www.mn.gov/mmb/images/AFSCME.pdf>)

ARTICLE 19 – INSURANCE

Section 6.5 **Health Promotions and Health Education.** Both parties to this Agreement recognize the value and importance of health promotion and health education programs. Such programs can assist employees and their dependents to maintain and enhance their health, and to make appropriate use of the health care system. To work toward these goals:

a. Develop programs.

1) The Employer will develop and implement health promotion and health education programs, subject to the availability of resources. Each Appointing Authority will develop a health promotion and health education program consistent with the Minnesota Management & Budget policy. Upon request of any exclusive representative in an agency, the Appointing Authority shall jointly meet and confer with the exclusive representative(s) and may include other interested exclusive representatives. Agenda items shall include but are not limited to smoking cessation, weight loss, stress management, health education/self-care, and education on related benefits provided through the health plan administrators serving state employees.

2) Pilot Programs. The Employer may develop voluntary pilot programs to test the acceptability of various risk management programs. Incentives for participation in such programs may include limited short-term improvements to the benefits outlined in this Article. Implementation of such pilot programs is subject to the review and approval of the Joint Labor-Management Committee on Health Plans.

b. Health plan specification.

The Employer will require health plans participating in the Group Insurance Program to develop and implement health promotion and health education programs for State employees and their dependents.

c. Employee participation.

The Employer will assist employees' participation in health promotion and health education programs. Health promotion and health education programs that have been endorsed by the Employer (Minnesota Management & Budget) will be considered to be non-assigned job-related training pursuant to Administrative Procedure 21. Approval for this training is at the discretion of the Appointing Authority and is contingent upon meeting staffing needs in the employee's absence and the availability of funds. Employees are eligible for release time, tuition reimbursement, or a pro rata combination of both. Employees may be reimbursed for up to one hundred (100) percent of tuition or registration costs upon successful completion of the program. Employees may be granted release time, including the travel time, in lieu of reimbursement.

d. Health promotion incentives.

The Joint Labor-Management Committee on Health Plans shall develop a program which provides incentives for employees who participate in a health promotion program. The health promotion program

shall emphasize the adoption and maintenance of healthier lifestyle behaviors and shall encourage wiser usage of the health care system.

[MAPE's Labor Agreement](http://www.mn.gov/mmb/images/MAPEcomplete.pdf) (<http://www.mn.gov/mmb/images/MAPEcomplete.pdf>)

ARTICLE 22 - HEALTH AND JOB SAFETY:

Section 1. General. It shall be the policy of the Employer to provide for the health and safety of its employees by providing safe and healthful working conditions, safe work areas, and safe and healthful work methods. In the application of this policy, the prevention of accidents, the creation and maintenance of clean, sanitary and healthful restrooms and eating facilities shall be the continuing commitment of the Employer. The employees shall have the responsibility to use all provided safety equipment and procedures in their daily work and shall cooperate in all safety and accident prevention programs. Nothing in this Article shall be interpreted as restricting any employees' right to file a complaint with OSHA.

Appendix 2: AFSCME'S Labor Agreement

[AFSCME's Labor Agreement](http://www.mn.gov/mmb/images/AFSCME.pdf) (<http://www.mn.gov/mmb/images/AFSCME.pdf>)

ARTICLE 5 – HOURS OF WORK

D. Meal Periods. Employees shall normally be granted an unpaid lunch period of no less than thirty (30) minutes nor more than sixty (60) minutes near the midpoint of each work shift. Employees who are required to remain in a duty status or who are assigned to perform work during meal periods shall be paid for such time at the appropriate rate, straight time or overtime, whichever is applicable.

E. Rest Periods. All employees shall be granted a fifteen (15) minute paid rest period during each four (4) hours of regularly scheduled work. Employees who are scheduled for a shift of four (4) hours and who are scheduled to receive an unpaid meal period shall not be entitled to a rest period. Employees who work beyond their regular quitting time into the next shift shall receive a fifteen (15) minute paid rest period before they start work on the next shift whenever it is anticipated that such work shall require approximately two (2) hours. The Appointing Authority retains the right to schedule employee rest periods to fulfill the operational needs of the various work units. Rest periods may not be accumulated nor be taken at the beginning or end of the employee's shift. With the supervisor's approval, rest periods may be used to extend the meal period.

Appendix 3: 2014 Minnesota Statute 16B.24

[16B.24 GENERAL AUTHORITY](https://www.revisor.mn.gov/statutes/?id=16B.24) (<https://www.revisor.mn.gov/statutes/?id=16B.24>)

Subd. 5b. Employee fitness and wellness facilities.

An entity in the executive, legislative, or judicial branch may use space under its control to offer fitness, wellness, or similar classes or activities to its employees, and may allow persons conducting these classes or activities to charge employees a fee to participate. Revenue received by a public entity under this section is appropriated to the entity. This authorization applies to all state space, including property in the Capitol area, and other designated property as defined in rules adopted by the commissioner of Public Safety. Persons conducting these classes or activities, and participating employees, waive any and all claims of liability against the state for any damage or injury arising from the use of state space for employee fitness and wellness classes or similar classes or activities. Persons conducting these classes or activities agree to indemnify, save, and hold the state, its agents, and employees harmless from any claims or causes of action, including attorney fees incurred by the state that arise from these classes or activities.

Appendix 4: 2014 Minnesota Statute 176.021

[176.021 APPLICATION TO EMPLOYERS AND EMPLOYEES](https://www.revisor.mn.gov/statutes/?id=176.021)
(<https://www.revisor.mn.gov/statutes/?id=176.021>)

Subd. 9 Employers responsibility for wellness programs.

Injuries incurred while participating in voluntary recreational programs sponsored by the employer, including health promotion programs, athletic events, parties, and picnics, do not arise out of and in the course of employment even though the employer pays some or all of the cost of the program. This exclusion does not apply in the event that the injured employee was ordered or assigned by the employer to participate in the program.

Appendix 5: Support for Nursing Mothers in the Workplace

Federal and state laws require reasonable unpaid breaks and private space for the purpose of expressing milk. Below is a summary of these laws, prepared by the Public Health Law Center at William Mitchell College of Law, as well as links to the Federal and state laws.

[Public Health Law Center's Legal Protections for Nursing Mothers in Minnesota](http://publichealthlawcenter.org/sites/default/files/resources/Protections%20Nursing%20Mothers%20Sept%202014_0.pdf)
(http://publichealthlawcenter.org/sites/default/files/resources/Protections%20Nursing%20Mothers%20Sept%202014_0.pdf)

[Federal Patient Protection and Affordable Care Act, Section 4207](http://www.usbreastfeeding.org/Portals/0/Workplace/HR3590-Sec4207-Nursing-Mothers.pdf)
(<http://www.usbreastfeeding.org/Portals/0/Workplace/HR3590-Sec4207-Nursing-Mothers.pdf>)

2014 Minnesota Statutes

[181.939 Nursing Mothers](https://www.revisor.mn.gov/statutes/?id=181.939) (<https://www.revisor.mn.gov/statutes/?id=181.939>)

An employer must provide reasonable unpaid break time each day to an employee who needs to express breast milk for her infant child. The break time must, if possible, run concurrently with any break time already provided to the employee. An employer is not required to provide break time under this section if to do so would unduly disrupt the operations of the employer.

The employer must make reasonable efforts to provide a room or other location, in close proximity to the work area, other than a bathroom or a toilet stall, that is shielded from view and free from intrusion from coworkers and the public and that includes access to an electrical outlet, where the employee can express her milk in privacy. The employer would be held harmless if reasonable effort has been made.

For the purposes of this section, "employer" means a person or entity that employs one or more employees and includes the state and its political subdivisions.

An employer may not retaliate against an employee for asserting rights or remedies under this section.